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OFFICE OF PETITIONS

In re Application of :
Yevgeniy Eugene Shteyn :
Application No. 09/433,257 :
Filed: November 4, 1999 :
Attorney Docket No. PHA-23.782 :
:

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the January 9, 2006 Office action which stated that the appeal brief filed September 1, 2005 was not entered because it was unsigned. As the reply appeared to be *bona fide*, a period of one (1) month or thirty (30) days from the mailing date of the Notice was set within which to submit a signed appeal brief. As no reply was filed within the time period set, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal is, by operation of law, dismissed and the proceedings as to the rejected claims terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on February 10, 2006. See MPEP 1215.04.

The petition decision mailed February 5, 2007 indicates the petition under 37 CFR 1.137(b) filed August 18, 2006 was dismissed as failing to provide the required terminal disclaimer and fee.

The instant renewed petition includes the required disclaimer and fee.

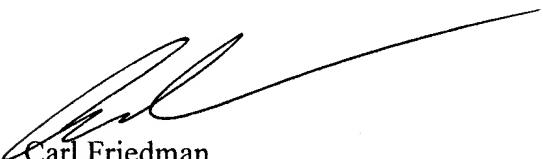
The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a signed appeal brief; (2) the petition fee of \$1,500; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee have been received. Accordingly, the appeal brief is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$ 1,020 extension of time fee submitted with the petition on June 21, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The request for change in power of attorney, filed June 21, 2007 has been processed.

The application file is being referred to the Technology Center Art Unit 2154 for consideration of the appeal brief.



Carl Friedman
Petitions Examiner
Office of Petitions

Attachment: Notice Regarding Change of Power of Attorney



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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09/433,257

11/04/1999

YEVGENIY
EUGENE SHTEYN

PHA-23.782

CONFIRMATION NO. 2314

POWER OF ATTORNEY NOTICE



OC000000029922119

Date Mailed: 05/13/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/21/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/cdfriedman/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101